

LEGISLATURE OF NEBRASKA
NINETY-SEVENTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 809
FINAL READING

Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson;
Connealy, 16; Erdman, 47; Janssen, 15; Preister, 5;
Quandahl, 31; Redfield, 12

Read first time January 17, 2001

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to parking; to amend sections 18-1738.01 and
2 18-1738.02, Reissue Revised Statutes of Nebraska,
3 sections 18-1736, 18-1737, 18-1738, 18-1741.01, and
4 81-1108.15, Revised Statutes Supplement, 2000, and
5 sections 18-1739 to 18-1741, Reissue Revised Statutes of
6 Nebraska, as amended by sections 1 to 3, respectively,
7 Legislative Bill 31, Ninety-seventh Legislature, First
8 Session, 2001; to change provisions relating to permits
9 for handicapped or disabled persons; to change provisions
10 relating to enforcement of permit violations; to provide
11 duties for the Department of Motor Vehicles; to repeal
12 the original sections; and to declare an emergency.
13 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 18-1736, Revised Statutes
2 Supplement, 2000, be amended to read:

3 18-1736. (1) A city or village may designate parking
4 spaces, including access aisles, for the exclusive use of (a)
5 handicapped or disabled persons whose motor vehicles display the
6 distinguishing license plates issued to handicapped or disabled
7 persons pursuant to section 60-311.14, (b) handicapped or disabled
8 persons whose motor vehicles display a distinguishing license plate
9 issued to a handicapped or disabled person by another state, (c)
10 such other handicapped or disabled persons or temporarily
11 handicapped or disabled persons, as certified by the city or
12 village, whose motor vehicles display the permit specified in
13 section 18-1739, and (d) such other motor vehicles, as certified by
14 the city or village, which display the permit specified in section
15 18-1739. All such permits shall be displayed by hanging the permit
16 from the motor vehicle's rearview mirror so as to be clearly
17 visible through the front windshield. The permit shall be
18 displayed on the dashboard only when there is no rearview mirror.

19 (2) If a city or village so designates a parking space or
20 access aisle, it shall be indicated by posting aboveground and
21 immediately adjacent to and visible from each space or access aisle
22 a sign as described in section 18-1737. In addition to such sign,
23 the space or access aisle may also be indicated by blue paint on
24 the curb or edge of the paved portion of the street adjacent to the
25 space or access aisle.

26 (3) For purposes of sections 18-1736 to 18-1742, access
27 aisle means a space adjacent to a handicapped parking space or
28 passenger loading zone which is constructed and designed in

1 compliance with the federal Americans with Disabilities Act of 1990
2 and the federal rules and regulations adopted and promulgated in
3 response to the act, as the act and the rules and regulations
4 existed on the effective date of this act.

5 Sec. 2. Section 18-1737, Revised Statutes Supplement,
6 2000, is amended to read:

7 18-1737. (1) Any city or village, any state agency, and
8 any person in lawful possession of any offstreet parking facility
9 may designate stalls or spaces, including access aisles, in such
10 facility owned or operated by the city, village, state agency, or
11 person for the exclusive use of handicapped or disabled persons
12 whose motor vehicles display the distinguishing license plates
13 issued to such individuals pursuant to section 60-311.14, such
14 other handicapped or disabled persons or temporarily handicapped or
15 disabled persons, as certified by the city or village, whose motor
16 vehicles display the permit specified in section 18-1739, and such
17 other motor vehicles, as certified by the city or village, which
18 display such permit. Such designation shall be made by posting
19 aboveground and immediately adjacent to and visible from each stall
20 or space, including access aisles, a sign which is in conformance
21 with the Manual on Uniform Traffic Control Devices adopted pursuant
22 to section 60-6,118 and the federal Americans with Disabilities Act
23 of 1990 and the federal rules and regulations adopted and
24 promulgated in response to the act, as the act and the rules and
25 regulations existed on the effective date of this act.

26 (2) The owner or person in lawful possession of an
27 offstreet parking facility, after notifying the police or sheriff's
28 department, as the case may be, and any city, village, or state

1 agency providing onstreet parking or owning, operating, or
2 providing an offstreet parking facility may cause the removal, from
3 a stall or space, including access aisles, designated exclusively
4 for handicapped or disabled persons or temporarily handicapped or
5 disabled persons or motor vehicles for the transportation of
6 handicapped or disabled persons or temporarily handicapped or
7 disabled persons, of any vehicle not displaying the proper permit
8 or the distinguishing license plates specified in this section if
9 there is posted aboveground and immediately adjacent to and visible
10 from such stall or space, including access aisles, a sign which
11 clearly and conspicuously states the area so designated as a tow-in
12 zone.

13 (3) A person who parks a vehicle in any onstreet parking
14 space or access aisle which has been designated exclusively for
15 handicapped or disabled persons or temporarily handicapped or
16 disabled persons or motor vehicles for the transportation of
17 handicapped or disabled persons or temporarily handicapped or
18 disabled persons, or in any so exclusively designated parking space
19 or access aisle in any offstreet parking facility, without properly
20 displaying the proper permit or when the handicapped or disabled
21 person to whom or for whom, as the case may be, the license plate
22 or permit is issued will not enter or exit the vehicle while it is
23 parked in the designated space or access aisle shall be guilty of a
24 handicapped parking infraction as defined in section 18-1741.01 and
25 shall be subject to the penalties and procedures set forth in
26 sections 18-1741.01 to 18-1741.07. The display on a motor vehicle
27 of a distinguishing license plate or permit issued to a handicapped
28 or disabled person by and under the duly constituted authority of

1 another state shall constitute a full and complete defense in any
2 action for a handicapped parking infraction as defined in section
3 18-1741.01. If the identity of the person who parked the vehicle
4 in violation of this section cannot be readily determined, the
5 owner or person in whose name the vehicle is registered shall be
6 held prima facie responsible for such violation and shall be guilty
7 and subject to the penalties and procedures described in this
8 section. In the case of a privately owned offstreet parking
9 facility, a city or village shall not require the owner or person
10 in lawful possession of such facility to inform the city or village
11 of a violation of this section prior to the city or village issuing
12 the violator a handicapped parking infraction citation.

13 (4) For purposes of this section and section 18-1741.01,
14 state agency means any division, department, board, bureau,
15 commission, or agency of the State of Nebraska created by the
16 Constitution of Nebraska or established by act of the Legislature,
17 including the University of Nebraska and the Nebraska state
18 colleges, when the entity owns, leases, controls, or manages
19 property which includes offstreet parking facilities.

20 Sec. 3. Section 18-1738, Revised Statutes Supplement,
21 2000, is amended to read:

22 18-1738. (1) The clerk of any city of the primary class,
23 first class, or second class or village shall, or the county clerk
24 or designated county official pursuant to section 23-186 or the
25 Department of Motor Vehicles may, take an application from a
26 handicapped or disabled person or temporarily handicapped or
27 disabled person or his or her parent, legal guardian, or foster
28 parent for a permit which will entitle the holder thereof or a

1 person driving a motor vehicle for the purpose of transporting such
2 holder to park in those spaces or access aisles provided for by
3 sections 18-1736 to 18-1741 when the holder of the permit will
4 enter or exit the motor vehicle while it is parked in such spaces
5 or access aisles. For purposes of this section, the handicapped or
6 disabled person or temporarily handicapped or disabled person shall
7 be considered the holder of the permit.

8 (2) For ~~the purpose~~ purposes of sections 18-1736 to
9 18-1741, handicapped or disabled person shall mean any individual
10 with a severe visual or physical impairment which limits personal
11 mobility and results in an inability to travel unassisted more than
12 two hundred feet without the use of a wheelchair, crutch, walker,
13 or prosthetic, orthotic, or other assistant device, any individual
14 whose personal mobility is limited as a result of respiratory
15 problems, any individual who has a cardiac condition to the extent
16 that his or her functional limitations are classified in severity
17 as being Class III or Class IV, according to standards set by the
18 American Heart Association, and any individual who has permanently
19 lost all or substantially all the use of one or more limbs.
20 Temporarily handicapped or disabled person shall mean any
21 handicapped or disabled person whose personal mobility is expected
22 to be limited in such manner for no longer than one year.

23 (3) A person applying for a permit or for the renewal of
24 a permit shall complete an application, shall provide proof of
25 identity, and shall submit a completed medical form containing the
26 statutory criteria for qualification and signed by a physician,
27 physician assistant, or advanced practice registered nurse
28 certifying that the person who will be the holder meets the

1 definition of handicapped or disabled person or temporarily
2 handicapped or disabled person. No applicant shall be required to
3 provide his or her social security number. In the case of a
4 temporarily handicapped or disabled person, the certifying
5 physician, physician assistant, or advanced practice registered
6 nurse shall indicate the estimated date of recovery or that the
7 temporary handicap or disability will continue for a period of six
8 months, whichever is less. A person may hold only one permit under
9 this section and may hold either a permit under this section or a
10 permit under section 18-1738.01, but not both. The Department of
11 Motor Vehicles shall provide applications and medical forms to the
12 clerk or designated county official. The application form shall
13 contain information listing the legal uses of the permit and that
14 the permit is not transferable, is to be used by the party to whom
15 issued or for the motor vehicle for which it is issued, is not to
16 be altered or reproduced, and is to be used only when a handicapped
17 or disabled person or a temporarily handicapped or disabled person
18 will enter or exit the motor vehicle while it is parked in a
19 designated parking space or access aisle. ~~It shall~~ The application
20 form shall provide space for the applicant to sign a statement that
21 he or she is aware of his or her rights, duties, and
22 responsibilities with regard to the use and possession of a
23 handicapped or disabled parking permit and the penalties provided
24 by law for handicapped parking infractions. The application form
25 shall also indicate that those convicted of handicapped parking
26 infractions shall be subject to suspension of the permit for six
27 months. ~~and possible fines.~~ A copy of the completed application
28 form shall be given to each applicant. Before a permit is issued,

1 the department shall enter all information required in the manner
2 prescribed by section 18-1739. The clerk or designated county
3 official shall submit to the department the name, address, and
4 license number of all persons applying for a permit pursuant to
5 this section. An application for the renewal of a permit under
6 this section may be filed within thirty days prior to the
7 expiration of the permit. The existing permit shall be invalid
8 upon receipt of the new permit. Following the receipt of the
9 application and its processing, the Department of Motor Vehicles
10 shall deliver each individual renewed permit to the applicant in
11 person or by first-class United States mail, postage prepaid, as
12 circumstances permit, except that renewed permits shall not be
13 issued sooner than ten days prior to the date of expiration.

14 (4) The Department of Motor Vehicles, upon receipt from
15 the clerk or designated county official of a completed application
16 form and completed medical form from an applicant for a handicapped
17 parking permit under this section, shall verify that the applicant
18 qualifies for such permit and, if so, shall issue the same by
19 mailing the permit to the applicant at the address provided on the
20 application delivering the permit to the applicant in person or by
21 first-class United States mail, postage prepaid, as circumstances
22 permit. Upon issuing such permit, the department shall mail a copy
23 of the permitholder's completed application form and completed
24 medical form with the permit number provide the basic issuing data
25 to the clerk or designated county official of the city or county
26 where the permitholder resides or, if different, to the clerk or
27 designated county official who originally accepted the application.

28 Sec. 4. Section 18-1738.01, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 18-1738.01. (1) The clerk of any city of the primary
3 class, first class, or second class or village shall, or the county
4 clerk or designated county official pursuant to section 23-186 or
5 the Department of Motor Vehicles may, take an application from any
6 person for a motor vehicle permit which will entitle the holder
7 thereof or a person driving the motor vehicle for the purpose of
8 transporting handicapped or disabled persons or temporarily
9 handicapped or disabled persons to park in those spaces or access
10 aisles provided for by sections 18-1736 to 18-1741 if the motor
11 vehicle is used primarily for the transportation of handicapped or
12 disabled persons or temporarily handicapped or disabled persons.
13 Such parking permit shall be used only when the motor vehicle for
14 which it was issued is being used for the transportation of a
15 handicapped or disabled person or temporarily handicapped or
16 disabled person and such person will enter or exit the motor
17 vehicle while it is parked in such designated spaces or access
18 aisles.

19 (2) A person applying for a permit or for the renewal of
20 a permit pursuant to this section shall apply for a permit for each
21 motor vehicle used for the transportation of handicapped or
22 disabled persons or temporarily handicapped or disabled persons,
23 shall complete such forms as are provided to the clerk or
24 designated county official by the Department of Motor Vehicles, and
25 shall demonstrate to the clerk or designated county official or the
26 department that each such motor vehicle is used primarily for the
27 transportation of handicapped or disabled persons or temporarily
28 handicapped or disabled persons. The application form shall

1 contain information listing the legal uses of the permit and that
2 the permit is not transferable, is to be used by the party to whom
3 issued or for the motor vehicle for which it is issued, is not to
4 be altered or reproduced, and is to be used only when a handicapped
5 or disabled person or a temporarily handicapped or disabled person
6 will enter or exit the motor vehicle while it is parked in a
7 designated parking space or access aisle. ~~It shall~~ The application
8 form shall provide space for the applicant to sign a statement that
9 he or she is aware of his or her rights, duties, and
10 responsibilities with regard to the use and possession of a
11 handicapped or disabled parking permit and the penalties provided
12 by law for handicapped parking infractions. The application form
13 shall also indicate that those convicted of handicapped parking
14 infractions shall be subject to suspension of the permit for six
15 months. ~~and possible fines.~~ A copy of the completed application
16 form shall be given to each applicant. No more than one such
17 permit shall be issued for each motor vehicle. A person may hold
18 either a permit under this section or a permit under section
19 18-1738, but not both. An application for the renewal of a permit
20 under this section may be filed within thirty days prior to the
21 expiration of the permit. The existing permit shall be invalid
22 upon receipt of the new permit. Following the receipt of the
23 application and its processing, the Department of Motor Vehicles
24 shall deliver each individual renewed permit to the applicant in
25 person or by first-class United States mail, postage prepaid, as
26 circumstances permit, except that renewed permits shall not be
27 issued sooner than ten days prior to the date of expiration.

28 (3) The department, upon receipt from the clerk or

1 designated county official of a completed application form with
2 necessary accompanying certifications, shall verify that the
3 applicant qualifies for a permit under this section and, if so,
4 shall issue the same by ~~mailing the permit to the applicant at the~~
5 ~~address provided for the applicant on the application~~ delivering
6 the permit to the applicant in person or by first-class United
7 States mail, postage prepaid, as circumstances permit. Before such
8 permit is issued, the department shall enter all information
9 required in the manner prescribed by section 18-1739. The clerk or
10 designated county official shall submit to the department the name,
11 address, and license number of all persons applying for a permit
12 pursuant to this section. Upon issuing such permit, the department
13 shall provide the basic issuing data to the clerk or designated
14 county official of the city or county where the permitholder
15 resides or, if different, to the clerk or designated county
16 official who originally accepted the application.

17 Sec. 5. Section 18-1738.02, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 18-1738.02. Any person applying for a permit pursuant to
20 section 18-1738 or 18-1738.01 shall apply for such permit to the
21 city clerk, village clerk, county clerk, or designated county
22 official pursuant to section 23-186~~7~~, of the city, village, or
23 county within which the applying individual resides or to the
24 Department of Motor Vehicles. If such person does not reside
25 within a city or village and the county clerk or designated county
26 official does not issue permits, the person shall make application
27 to the city clerk or village clerk of the city or village located
28 nearest to his or her place of residence, to ~~or~~ the county clerk or

1 designated county official of any neighboring county who issues
2 such permits, or to the department. No city clerk, village clerk,
3 county clerk, ~~or~~ designated county official, or department employee
4 shall accept the application for a permit pursuant to section
5 18-1738 or 18-1738.01 of any person making application contrary to
6 the provisions of this section.

7 Sec. 6. Section 18-1739, Reissue Revised Statutes of
8 Nebraska, as amended by section 1, Legislative Bill 31,
9 Ninety-seventh Legislature, First Session, 2001, is amended to
10 read:

11 18-1739. (1) The permit to be issued pursuant to section
12 18-1738 or 18-1738.01 shall be constructed of a durable plastic
13 designed to resist normal wear or fading for the term of the
14 permit's issuance and printed so as to minimize the possibility of
15 alteration following issuance. The permit shall be of a design,
16 size, configuration, color, and construction and contain such
17 information as specified in the rules and regulations adopted and
18 promulgated by the United States Department of Transportation in
19 the Uniform System for Parking for Persons with Disabilities, 23
20 C.F.R. part 1235, as such regulations existed on ~~the effective date~~
21 ~~of this act~~ the effective date of this act.

22 (2) In addition to the requirements of subsection (1) of
23 this section, the permit shall show the expiration date and such
24 identifying information with regard to the handicapped or disabled
25 person or temporarily handicapped or disabled person to whom it is
26 issued as is necessary to the enforcement of sections 18-1736 to
27 18-1741.07 as determined by the Department of Motor Vehicles. The
28 expiration date information shall be distinctively color-coded so

1 as to identify by color the year in which the permit is due to
2 expire.

3 (3) No permit shall be issued to any person or for any
4 motor vehicle if any parking permit has been issued to such person
5 or for such motor vehicle and such permit has been suspended
6 pursuant to section 18-1741. At the expiration of such suspension,
7 a permit may be renewed in the manner provided for renewal in
8 sections 18-1738, 18-1738.01, and 18-1740.

9 (4) A duplicate permit may be provided without cost if
10 the original permit is destroyed, lost, or stolen. Such duplicate
11 permit shall be issued in the same manner as the original permit,
12 except that a newly completed medical form need not be provided if
13 a completed medical form submitted at the time of the most recent
14 application for a permit or its renewal is on file with the clerk
15 or designated county official or the Department of Motor Vehicles.
16 A duplicate permit shall be valid for the remainder of the period
17 for which the original permit was issued.

18 Sec. 7. Section 18-1740, Reissue Revised Statutes of
19 Nebraska, as amended by section 2, Legislative Bill 31,
20 Ninety-seventh Legislature, First Session, 2001, is amended to
21 read:

22 18-1740. (1) All permanently issued permits for
23 handicapped or disabled parking authorized by sections 18-1736 to
24 18-1741.07 shall be issued for a period ending on September 30 of
25 the third year after the date of issuance and shall expire on that
26 date. ~~7 except that an application for the renewal of a permit~~
27 ~~filed with the issuing city or village clerk or designated county~~
28 ~~official within thirty days after the date of its expiration shall~~

1 be deemed to have been filed prior to the date of its expiration.
2 The possession of an expired but otherwise valid handicapped
3 parking permit within thirty days after the date of its expiration
4 shall serve as a full and complete defense in any action for a
5 handicapped parking infraction resulting from the absence of a
6 handicapped parking permit arising during that thirty-day period.

7 (2) All permits authorized under sections 18-1736 to
8 18-1741.07 for temporarily handicapped or disabled parking shall be
9 issued for a period ending not more than six months after the date
10 of issuance but may be renewed one time for a period not to exceed
11 six months. For the renewal period, there shall be submitted an
12 additional application with proof of a handicap or disability.

13 Sec. 8. Section 18-1741, Reissue Revised Statutes of
14 Nebraska, as amended by section 3, Legislative Bill 31,
15 Ninety-seventh Legislature, First Session, 2001, is amended to
16 read:

17 18-1741. Permits issued under sections 18-1736 to
18 18-1741 shall not be transferable and shall be used only by the
19 party to whom issued or for the motor vehicle for which issued and
20 only for the purpose for which it is issued. No person shall alter
21 or reproduce in any manner a permit issued pursuant to section
22 18-1738 or 18-1738.01. No person shall knowingly hold more than
23 one permit or knowingly provide false information on an application
24 for a permit issued pursuant to such sections. No person who is
25 not the holder of a handicapped or disabled parking permit issued
26 to him or her as a handicapped or disabled person shall display a
27 handicapped or disabled parking permit and park in a space or
28 access aisle designated for the exclusive use of a handicapped or

1 disabled person. No person who is the holder of a handicapped or
2 disabled parking permit issued for the use of such person when
3 transporting a handicapped or disabled person shall display his or
4 her handicapped or disabled parking permit and park in a space or
5 access aisle designated for the exclusive use of a handicapped or
6 disabled person unless a handicapped or disabled person is actually
7 in the vehicle displaying the permit at the time it is parked, has
8 left the vehicle while it was parked, and will return to the
9 vehicle before it leaves the designated space or access aisle. No
10 person who is not the holder of a handicapped or disabled parking
11 permit issued for use when a vehicle is transporting a handicapped
12 or disabled person shall display a handicapped or disabled parking
13 permit and park in a space or access aisle designated for the
14 exclusive use of a handicapped or disabled person unless a
15 handicapped or disabled person is actually in the vehicle
16 displaying the permit at the time it is parked, has left the
17 vehicle while it was parked, and will return to the vehicle before
18 it leaves the designated space or access aisle. Any violation of
19 this section shall constitute a handicapped parking infraction and
20 shall be cause for suspension of such permit for a period of six
21 months and such other punishment as may be provided by local
22 ordinance. In addition, the trial court shall impose a fine of not
23 more than two hundred fifty dollars which may be waived by the
24 court if, at the time of sentencing, all handicapped parking
25 permits issued to or in the possession of the offender are returned
26 to the court. At the expiration of such six-month period, a
27 suspended permit may be renewed in the manner provided for renewal
28 in sections 18-1738, 18-1738.01, and 18-1740.

1 Sec. 9. Section 18-1741.01, Revised Statutes Supplement,
2 2000, is amended to read:

3 18-1741.01. (1) For purposes of sections 18-1741.01 to
4 18-1741.07, handicapped parking infraction ~~shall mean~~ means the
5 violation of any statute or ordinance regulating (a) the use of
6 parking spaces, including access aisles, designated for use by
7 handicapped or disabled persons, ~~or~~ (b) the unauthorized
8 possession, use, or display of handicapped or disabled parking
9 permits, or (c) the obstruction of any wheelchair ramps constructed
10 or created in accordance and in conformity with the federal
11 Americans with Disabilities Act of 1990, as the act existed on the
12 effective date of this act.

13 (2) For any offense classified as a handicapped parking
14 infraction, a handicapped parking citation may be issued by any
15 peace officer or by any person designated by ordinance or
16 resolution approved by a governing board of a county, city, or
17 village to exercise the authority to issue a citation for any
18 handicapped parking infraction. Such authorization shall be
19 carried out in the manner specified in sections 18-1741.03 and
20 18-1741.04.

21 (3) A state agency as defined in section 18-1737 which
22 owns, leases, controls, or manages state property on which public
23 parking is allowed may enter into an agreement with the governing
24 board of the county, city, or village in which the state property
25 or any portion of it is located to allow the political subdivision
26 to enforce sections 18-1736 to 18-1741.07 on such state property.

27 Sec. 10. Section 81-1108.15, Revised Statutes
28 Supplement, 2000, is amended to read:

1 81-1108.15. (1) The division shall have the primary
2 functions and responsibilities of statewide facilities planning,
3 facilities construction, and facilities administration and shall
4 adopt and promulgate rules and regulations to carry out this
5 section.

6 (2) Facilities planning shall include the following
7 responsibilities and duties:

8 (a) To maintain utilization records of all state-owned,
9 state-occupied, and vacant facilities;

10 (b) To coordinate comprehensive capital facilities
11 planning;

12 (c) To define and review program statements based on
13 space utilization standards;

14 (d) To prepare or review planning and construction
15 documents;

16 (e) To develop and maintain time-cost schedules for
17 capital construction projects;

18 (f) To assist the Governor and the Legislative Fiscal
19 Analyst in the preparation of the capital construction budget
20 recommendations;

21 (g) To maintain a complete inventory of all state-owned,
22 state-occupied, and vacant sites and structures and to review the
23 proposals for naming such sites and structures;

24 (h) To determine space needs of all state agencies and
25 establish space-allocation standards; and

26 (i) To cause a state comprehensive capital facilities
27 plan to be developed.

28 (3) Facilities construction shall include the following

1 powers and duties:

2 (a) To maintain close contact with and inspections of
3 each project so as to assure execution of time-cost schedules and
4 efficient contract performance if such project's total design and
5 construction cost is more than fifty thousand dollars;

6 (b) To perform final acceptance inspections and
7 evaluations; and

8 (c) To coordinate all change or modification orders and
9 progress payment orders.

10 (4) Facilities administration shall include the following
11 powers and duties:

12 (a) To serve as state leasing administrator or agent for
13 all facilities to be leased for use by the state and for all
14 state-owned facilities to be rented to state agencies or other
15 parties subject to section 81-1108.22. The division shall remit
16 the proceeds from any rentals of state-owned facilities to the
17 State Treasurer for credit to the State Building Revolving Fund and
18 the Building Renewal Allocation Fund;

19 (b) To provide all maintenance, repairs, custodial
20 duties, security, and administration for all buildings and grounds
21 owned or leased by the State of Nebraska except as provided in
22 subsection (5) of this section;

23 (c) To procure and manage office space and assign the
24 remaining office space after the Executive Board of the Legislative
25 Council has made its determination pursuant to subsection (1) of
26 section 81-1108.21;

27 (d) To be responsible for adequate parking and the
28 designation of parking stalls or spaces, including access aisles,

1 in offstreet parking facilities for the exclusive use of
2 handicapped or disabled or temporarily handicapped or disabled
3 persons pursuant to section 18-1737;

4 (e) To ensure that all state-owned, state-occupied, and
5 vacant facilities are maintained or utilized to their maximum
6 capacity or to dispose of such facilities through lease, sale, or
7 demolition;

8 (f) To report monthly time-cost data on projects to the
9 Governor and the Clerk of the Legislature;

10 (g) To administer the State Emergency Capital
11 Construction Contingency Fund;

12 (h) To submit status reports to the Governor and the
13 Legislative Fiscal Analyst after each quarter of a construction
14 project is completed detailing change orders and expenditures to
15 date. Such reports shall be required on all projects costing five
16 hundred thousand dollars or more and on such other projects as may
17 be designated by the division; and

18 (i) To submit a final report on each project to the
19 Governor and the Legislative Fiscal Analyst. Such report shall
20 include, but not be limited to, a comparison of final costs and
21 appropriations made for the project, change orders, and
22 modifications and whether the construction complied with the
23 related approved program statement. Such reports shall be required
24 on all projects costing five hundred thousand dollars or more and
25 on such other projects as may be designated by the division.

26 (5) Subdivisions (4)(a) through (4)(e) of this section
27 shall not apply to (a) state-owned facilities to be rented to state
28 agencies or other parties by the University of Nebraska, the

1 Nebraska state colleges, the Department of Aeronautics, the
2 Department of Roads, and the Board of Educational Lands and Funds,
3 (b) buildings and grounds owned or leased for use by the University
4 of Nebraska, the Nebraska state colleges, and the Board of
5 Educational Lands and Funds, (c) buildings and grounds owned,
6 leased, or operated by the Department of Correctional Services, (d)
7 facilities to be leased for nonoffice use by the Department of
8 Roads, (e) buildings or grounds owned or leased by the Game and
9 Parks Commission if the application of such subdivisions to the
10 buildings or grounds would result in ineligibility for or repayment
11 of federal funding, (f) buildings or grounds of the state park
12 system, state recreation areas, state historical parks, state
13 wildlife management areas, or state recreational trails, or (g)
14 other buildings or grounds owned or leased by the State of Nebraska
15 which are specifically exempted by the division because the
16 application of such subdivisions would result in the ineligibility
17 for federal funding or would result in hardship on an agency,
18 board, or commission due to other exceptional or unusual
19 circumstances.

20 (6) Each member of the Legislature shall receive a copy
21 of the reports required by subdivisions (4)(f), (h), and (i) of
22 this section by making a request for them to the administrator.
23 The information on such reports shall be submitted to the division
24 by the agency responsible for the project.

25 Sec. 11. Original sections 18-1738.01 and 18-1738.02,
26 Reissue Revised Statutes of Nebraska, sections 18-1736, 18-1737,
27 18-1738, 18-1741.01, and 81-1108.15, Revised Statutes Supplement,
28 2000, and sections 18-1739 to 18-1741, Reissue Revised Statutes of

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1 Nebraska, as amended by sections 1 to 3, respectively, Legislative
2 Bill 31, Ninety-seventh Legislature, First Session, 2001, are
3 repealed.

4 Sec. 12. Since an emergency exists, this act takes
5 effect when passed and approved according to law.